
WHO QUALIFIES FOR PREGNANCY LEAVE IN ONTARIO?

The Employment Standards Act states that you are eligible for pregnancy leave if you have been employed by the same employer continuously, either full or part-time, for at least 12 months and 11 weeks before your baby is due. Some absences during that period (such as those due to illness, vacation, lay-offs or previous pregnancy) will not affect your eligibility.

You do not have to be married to qualify for pregnancy leave. Adoptive mothers are not covered by the law, although some employers do provide maternity leave for them.

The Employment Standards Act and its provisions for pregnancy leave must be observed by all employers in Ontario, both large and small. The exceptions are companies and agencies that fall under the jurisdiction of the federal government. These include: chartered banks; telephone, radio, and television companies; airlines; and interprovincial transportation firms. Their employees are guaranteed pregnancy leave under the federal Canada Labour Code.

HOW MUCH PREGNANCY LEAVE MAY I TAKE?

You are entitled to 17 weeks of unpaid leave of absence, which can begin any time after 11 weeks before your due date. It can continue for a total of 17 weeks, or until six weeks after your baby is born — whichever is later.

If you want to return to work earlier than six weeks after the birth, you must give your employer one week's notice and a medical certificate stating that you are fit to work. Following the initial six-week, post-natal

period, you may return to work at any point before the full 17 weeks are over — as long as your employer agrees.

HOW DO I APPLY FOR PREGNANCY LEAVE?

Simply give your employer written notice at least two weeks before you plan to begin your leave. You must also provide a medical certificate that states when your baby is due.

If your baby is born prematurely (before your planned leave begins), give your employer written notice and a medical certificate no later than two weeks after your leave actually begins.

CAN I BE FORCED TO BEGIN MY LEAVE EARLIER THAN I HAD PLANNED?

As long as you are able to do your work satisfactorily, you cannot be forced to start your leave early. Under the law, no pregnant employee may be compelled — either by her employer or by a collective agreement — to begin her leave sooner than she plans.

CAN I BE DISMISSED BECAUSE I AM PREGNANT?

If you qualify for pregnancy leave, being pregnant is not a valid reason for dismissal. But it cannot protect you from losing your job for other legitimate reasons.

WHAT IF I GET SICK DURING MY PREGNANCY?

Temporary absences from work due to illness will not affect your pregnancy leave. If your employer provides sick leave coverage, and you qualify, you are still entitled to it when you are pregnant, even if the illness is related to your pregnancy. (See next paragraph.)

WHAT IF I HAVE TO START MY PREGNANCY LEAVE EARLY BECAUSE OF ILLNESS?

Pregnancy-related illnesses and complications are the most frequent causes of a woman having to start her pregnancy leave early. If you must begin your leave more than 11 weeks before your due date, and your employer has a sick leave plan, you have the same rights under that plan as any other employee. But remember, these rights extend only up to the 11 weeks before your baby is due. Sick leave coverage does not have to continue during your 17-week pregnancy leave.

On the other hand, if you are suffering from an illness or disability that continues past the time when you are supposed to return to work, your sick leave payments will resume when the 17-week period ends.

WHAT ABOUT OTHER BENEFITS DURING PREGNANCY LEAVE?

You retain all of the benefits and seniority you acquired before your leave, but the law does not provide for the accumulation of *more* benefits or seniority while you are on pregnancy leave.

During your leave, employers do not have to continue their share of contributions to pension plans, health insurance and so on. Therefore, before your leave begins, you should make arrangements with your employer for the continued payment of those contributions.

If your employer allows workers on other types of leaves of absence to continue participating in the benefit plans, the same right must be given to you. Otherwise, your

right to participate in such plans will resume when you return to work.

Note: Unemployment insurance contributions cannot be continued during maternity leave.

AM I ELIGIBLE FOR ANY MATERNITY BENEFITS WHILE I AM ON PREGNANCY LEAVE?

Maternity benefits are a right under federal unemployment insurance legislation. Your employer will give you a Record of Employment that establishes your right to these benefits. Payments begin two weeks after you apply.

You may receive maternity benefit payments for up to 15 weeks. For more information contact your local Canada Employment Centre, listed in the blue pages of the telephone book under Employment and Immigration Canada.

WILL I BE ALLOWED TO RETURN TO THE SAME JOB AFTER PREGNANCY LEAVE?

When you return to work, you must be given the same job, or a comparable position, at the salary you earned before your leave.

If there were temporary lay-offs while you were away on leave, your employer must reinstate you (according to your seniority before your departure) when operations resume and your pregnancy leave is over.

Note: Seniority does not continue to accumulate during pregnancy leave.

WHAT IF I PLAN TO RESIGN

WHEN MY BABY IS BORN?

If you tell your employer that you will not be returning to work after your pregnancy leave, you can be treated like any other resigning employee. If you later change your mind, you have no right to get your job back. You may be eligible, however, for unemployment insurance. For further information contact your local Canada Employment Centre, listed in the blue pages of the telephone book under Employment and Immigration Canada.

Please note:

This brochure is meant only as a general guide to pregnancy leave in Ontario. The rights of the employee and the obligations of the employer are determined by legislation. If you have any questions, please refer to the Employment Standards Act or call the Employment Standards Branch of the Ontario Ministry of Labour for details. For matters of discrimination, contact the Ontario Human Rights Commission.

Ontario Women's Directorate

4th Floor
Mowat Block
900 Bay Street
Toronto, Ontario
M7A 1C2
(416) 965-7785

4th Floor
435 James Street S.,
Thunder Bay, Ontario
P7E 6E3
(807) 475-1481

Ontario Ministry of Labour

Employment Standards Branch
400 University Ave.,
Toronto, Ontario,
M7A 1T7
(416) 965-5251

Ontario Human Rights Commission

12th Floor, 400 University Avenue
Toronto, Ontario
M7A 1T7
(416) 965-6841

Branch Offices, Ontario Ministry of Labour

Hamilton 119 King St. W. L8N 3Z9 (416) 521-7736	Ottawa 2197 Riverside Dr. K1H 7X3 (613) 523-7530	Timmins 273 Third Ave. P4N 1E2 (705) 267-6231
Kenora 808 Robertson St. P9N 1X9 (807) 468-3128	Sault Ste. Marie 350 Bay St. P6A 1X2 (705) 949-3331	Toronto East 2500 Lawrence Ave. E. M1P 2R7 (416) 750-3557
Kingston 1055 Princess St. K7L 1H3 (613) 547-3414	St. Catharines 205 King St. L2R 3Y5 (416) 682-7261	Toronto West 2 Robert Speck Parkway Mississauga, Ontario (416) 273-7800
Kitchener 824 King St. W. N2G 1G1 (519) 744-8101	Sudbury 199 Larch St. P3E 5P9 (705) 675-4455	Windsor 500 Ouellette Ave. N9A 1B3 (519) 256-8278
London 205 Oxford St. E. N6A 5G6 (519) 439-3231	Thunder Bay 435 James St. S. P7E 6E3 (807) 475-1691	



Ontario
Women's
Directorate

Honourable Ian Scott
Attorney General and
Minister Responsible
for Women's Issues

20M/06/87

Government
Publications

CA 20N
L21
-PG4

ONTARIO WOMEN'S DIRECTORATE

3 1761 12059726 5

Pregnancy Leave in Ontario

